Table of Contents

IAB Case No. SH2308242

MISCELLANEOUS DOCUMENTS

- **Administrative Rights Force / Shooting Investigation Admonishment form**
- **Chief's Memorandum**
- **Deputy Quintero's Training Records**

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 3, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2308242
Incident:	Hit Shooting
Incident Date:	March 4, 2012
Unit:	Century Station
Suspects:	Michael Atkins, MB/09-10-88 Donta Butler, MB/10-16-92
Involved Employees:	Deputy Christopher Quintero, #[redacted] Deputy Gregory Boling, #[redacted]
EFRC Date:	May 23, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies working a two person marked patrol car heard several gunshots coming from the neighborhood southeast of their location. While driving toward the area of the gunshots, the deputies saw a dark colored Charger driving at a high rate of speed. The deputies accelerated after the Charger and saw two men running.

The deputies shifted their attention from the vehicle to the two men to determine if they were possibly suspects or victims of a shooting. The driver deputy slowed down to within feet of the two men (suspects) as they separated and began running in opposite directions. As they approached one of the suspects, the driver deputy saw the suspect had a gun in his right hand. The suspect looked over his right shoulder, turned toward the deputy with the gun in his hand, and extended his right arm at a ninety degree angle. Fearing that he or his partner were about to be shot, the driver deputy fired several rounds striking the suspect in the arm and causing him to fall to the ground.

The driver deputy held the injured suspect at gunpoint while the passenger deputy monitored the second suspect and initiated emergency radio traffic. Once assisting units arrived, the injured suspect was taken into custody. The suspect's loaded .45 caliber semiautomatic handgun was recovered at the scene.

The EFRC determined the force used against the armed suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Joseph M. Gooden, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The tactical debriefing is to include the issue of proximity when dealing with armed/potentially armed suspects.

SBJ:JER:jer

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: September 24, 2012
File No.: 012-03135-2199-055

FROM: WILLIAM J. MCSWEENEY, CHIEF
DETECTIVE DIVISION

TO: LEROY D. BACA
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Christopher Quintero #[redacted]

STATION:	Century
DATE / TIME OF SHOOTING:	March 4, 2012, 0027 Hours
SUSPECT:	AKTKINS, Michael MB/23 (Injured – In-Custody)
LOCATION:	Northwest corner of 144th/Central Avenue Compton

DISTRICT ATTORNEY'S CONCLUSION:

"The evidence shows that the actions of Michael Atkins placed Deputy Christopher Quintero in actual, imminent danger of death or great bodily injury. The response of Deputy Quintero with deadly force was both reasonable and necessary. We find that Deputy Quintero acted in lawful self-defense. We are therefore closing our file and will take no further action in this matter."

WJM:DS:no





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

July 20, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #12-0159
LASD File #012-03135-2199-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 4, 2012, non-fatal shooting of Michael Atkins by Los Angeles Sheriff's Department (LASD) Deputy Christopher Quintero. We conclude that Deputy Quintero acted in lawful self-defense.

The District Attorney Response Team (DART), comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Senior Investigator Norman Weisenstein, responded to the scene. They were given a briefing and a walk-through of the scene.

The following analysis is based upon reports prepared by LASD Homicide Detectives Robert Martindale and Q. Rodriguez.

FACTUAL ANALYSIS

On March 4, 2012 at 12:18 a.m., LASD Deputies Christopher Quintero and Gregory Boling were assigned to Century Station and detailed to Compton Station assisting with an assault investigation. Both deputies were in uniform in a marked patrol car driven by Quintero.

They were parked outside the 7-Eleven Store at 2251 West Rosecrans Avenue in the City of Compton. They exited their car and heard a volley of gunshots sounding as though it originated close by. They quickly reentered their vehicle and drove across Rosecrans to Keene Avenue where Quintero made a turn onto 144th Street. Quintero saw a car speeding east on 144th Street. The deputies believed the car was connected to the gunfire they had heard seconds earlier.

As the deputies turned onto 144th Street, Quintero saw two men, later identified as Michael Atkins and Donta Butler, running east on 144th Street towards Central Avenue. The deputies shifted their attention to Atkins and Butler, based on their proximity to the location where the

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

shots were fired, to determine if they were suspects or victims of the shooting. Quintero slowed down and drove within feet of the men who separated and headed in opposite directions. Butler ran south and Atkins diverted to the north.

Deputy Boling exited the vehicle and focused on Butler. Boling had taken "three steps" outside the car and tried to catch up to Butler when he heard four to five gunshots. He looked back toward Quintero and saw Atkins down on the sidewalk and Quintero exiting the car. Boling radioed that they were involved in a shooting and had lost sight of Butler, who was later arrested.

Quintero drove alongside Atkins. Quintero removed his service weapon from the holster and held it near his lap with his right hand while he continued driving slowly alongside Atkins. Quintero saw Atkins holding a gun in his right hand. Atkins looked over his right shoulder and turned toward Quintero with the gun still in his hand and his right arm configured and extended in an "L" shape. Fearing he was going to be shot by Atkins, Quintero fired several rounds, striking Atkins' right arm causing him to fall to the ground. Quintero exited his car and detained Atkins at gunpoint until assisting units arrived.

Quintero discharged five rounds from his department issued Beretta 92FS 9mm semiautomatic handgun.

Quintero heard a thump hit the front of his patrol car and saw a semiautomatic pistol belonging to Atkins on the hood of the patrol car.[1] Atkins was in possession of a .45 caliber semiautomatic handgun with one round in the chamber and six rounds in the magazine. Atkins' gun had a fired cartridge casing that failed to properly and fully eject from the chamber, indicating that the gun had been fired at some point.

Atkins sustained a gunshot wound to his right wrist and was transported to the Saint Francis Medical Center.

Atkins is a documented member of the "Swamp Crip" criminal street gang. Atkins and Butler were charged with the attempted murder of Deputy Quintero, and three other victims stemming from an earlier incident, in Case No. TA122295. On May 24, 2012, Atkins pled guilty to one count of assault on a peace officer with a semiautomatic firearm and one count of attempted murder with gang allegations. Atkins was sentenced to 30 years in state prison. Butler pled guilty to two counts of attempted murder with a gun and gang allegations. He too was sentenced to 30 years in state prison.

---

[1] Investigators concluded that Atkins' momentum as he hurriedly turned and faced Quintero propelled the pistol out of his hand and toward Quintero after he was wounded. The impact from the pistol hitting the car cracked the front windshield before landing on the hood.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears that the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death.
People v. Randle (2005) 35 Cal. 4th 987.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. *CALCRIM 3470.*

CONCLUSION

The evidence shows that the actions of Michael Atkins placed Deputy Christopher Quintero in actual, imminent danger of death or great bodily injury. The response of Deputy Quintero with deadly force was both reasonable and necessary. We find that Deputy Quintero acted in lawful self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

STEPHANIE SPARAGNA
Deputy District Attorney
(213)-974-3888

c: Deputy Christopher Quintero #[redacted]

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
03/04/12	Field Operations Region II	[ ]	[X]

Incident Information

URN: 012-03135-2199-055	Date: 03/04/12	Time: 0027

City or Station: Century Station

Location: 144th Street/Central Avenue, Compton

Nature of Incident: Deputy Quintero was responding to the source of 923's on 144th Street when he saw Suspect Atkins running while holding a pistol. Suspect Atkins turned to face Deputy Quintero who shot him five times, striking Suspect Atkins once.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Aero Unit? [X] Canine Unit? [X]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Boling	Gregory	P.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	Quintero	Marcelo		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Torres	Benjamin		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Martin	Jeffrey	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Burgin	Terry	A.

PSTD Use Only

SH # ____

Officer Involved Shooting

URN: 012-03135-2199-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/04/12			

Employee #	Last Name	First Name	M.I
[redacted]	Parker	Brenda	
[redacted]	Kim	Patrick	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	ZZ	45	-	-	NN	-
E1	S1	FH	BR	9	Y	Y	GS	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-03135-2199-055

E 1

Employee # [redacted]	Last Name Quintero	First Name Christopher	M.I. J.
Sex M Race H	Rank Deputy	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 213H
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6 / Age: [redacted] Height: 6' 4" Weight: 260	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest circled)	Other Factors:
Range Qualification Date [redacted]	PPC Qualification Date: [redacted]	Laser Training Date [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit [redacted] / Prior Shootings? [redacted]	Number of Prior Shootings [redacted] / Directed Force [redacted]
Weapons Fired Brand Beretta	Caliber 9mm / # Shots 5	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting / Age Height Weight	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors
Range Qualification Date:	PPC Qualification Date:	Laser Training Date	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: / Prior Shootings? ☐	Number of Prior Shootings / Directed Force ☐
Weapons Fired Brand:	Caliber / # Shots	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex Race	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting / Age: Height: Weight:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors
Range Qualification Date	PPC Qualification Date:	Laser Training Date	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: / Prior Shootings? ☐	Number of Prior Shootings / Directed Force ☐
Weapons Fired Brand	Caliber / # Shots	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN 012-03135-2199-055

S 1

Last Name: Atkins	First Name: Michael	M I: R.
AKA Last Name:	First Name:	M I:

Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 23 D.O.B: 09-10-1988	Height: 6' 2" Weight: 190	FBI #:	CII #: [redacted]
Booking #: 3074-034	Primary Charge: 664/187(A) PC	Secondary Charge: 245(d)(2) PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S 2

Last Name: Butler	First Name: Donta	M I: T.
AKA Last Name:	First Name:	M I:

Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Ho[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 19 D.O.B: 10/16/1992	Height: 5' 8" Weight: 135	FBI #: [redacted]	CII #: [redacted]
Booking #: 3073-775	Primary Charge: 664/187(A) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M I:
AKA Last Name:	First Name:	M I:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:	First Name:	M I:
AKA Last Name:	First Name:	M I:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting**
IAB FILE NUMBER(S):	**SH2308242**
URN#:	**012-03135-2199-055**
DATE / TIME:	**Sunday, March 4, 2012 / 0027 Hours**
LOCATION:	**Northwest Corner of 144th Street / Central Avenue, Compton**

Opening Statement

On Sunday, March 4, 2012, Sergeants Brenda Parker and Patrick Kim of the Internal Affairs Bureau responded to the Command Post on Central Avenue and Rosecrans Boulevard, in the city of Compton, regarding an On-Duty Hit Shooting which resulted in injury to the suspect. Internal Affairs Bureau Lieutenant Alicia Ault also responded. Attorney Walter Katz of the Office on Independent Review was notified and responded to the scene.

Synopsis

On Sunday, March 4, 2012, Deputies Christopher Quintero #[redacted] and Gregory Boling #[redacted] were working together on Early Morning shift as unit 213H out of Century Sheriff's Station. Both deputies were in uniform in a marked patrol car driven by Deputy Quintero. They were dispatched to the City of Compton to assist on containment regarding an assault investigation (refer to the incident record on page 314 of **[Exhibit A]** for further).

Deputies Quintero and Boling were stepping out of their patrol vehicle in the parking lot of a 7-Eleven store at 2251 West Rosecrans Avenue in the City of Compton when they heard the sounds of several gunshots coming from the neighborhood south-east of their location. Unbeknownst to the deputies, Suspects Atkins and Butler had just shot at several males standing by the garage at [redacted] South Keene Avenue in retaliation for a criminal gang involved murder of a mutual friend. This assault by the suspects was the source of the gunshots heard by Deputies Quintero and Boling. Immediately after firing their weapons, the two suspects ran north from the scene of the shooting on Keene Avenue and made a right turn onto eastbound 144th Street still carrying their respective weapons.

Deputies Quintero and Boling re-entered their patrol car and drove south across Rosecrans Avenue onto Keene Avenue. Deputy Quintero then made a left hand turn onto eastbound 144th Street where he and his partner saw a dark colored Dodge Charger vehicle heading north on Bahama Avenue before it made a right turn onto eastbound 144th Street. The dark colored Charger was driving at a high rate of speed towards Central Avenue (refer to page 3 of Homicide's transcribed interview of Deputy Quintero). Deputy Quintero accelerated after the dark Charger.

As they neared Bahama Avenue on eastbound 144th Street the deputies saw two men, later identified as Suspect Michael Atkins and Suspect Donta Butler, running east on 144th Street towards Central Avenue. The deputies shifted their attention to Suspects Atkins and Butler to determine if they were suspects or victims of the shooting since they were in close proximity to the source of the gunshots and there was no one else walking or driving in the area. Deputy Quintero slowed down and drove within feet of the two men who then separated and headed in opposite directions. Suspect Butler ran south and Suspect Atkins diverted to the north sidewalk.

Upon seeing the deputies approaching, Suspect Butler ran across the street and continued south on Central Avenue. Deputy Quintero, who had removed his service weapon from his holster prior to contacting the suspects (see pages 7 and 13 of Homicide's transcribed interview of Deputy Quintero), slowed his patrol car behind Suspect Atkins. Deputy Quintero saw Suspect Atkins holding a gun in his right hand. Suspect Atkins looked over his right shoulder and turned toward Deputy Quintero with the gun still in his hand and his right arm extended at a 90 degree angle (see page 4 of Homicide's transcribed interview of Deputy Quintero). Fearing he or his partner were about to be shot by Suspect Atkins, Deputy Quintero fired five rounds from his Department issued Beretta 92FS 9mm semiautomatic (see page 63 of **[Exhibit A]**), striking Suspect Atkins' right arm causing him to fall to the ground. Deputy Quintero exited his car and detained Suspect Atkins at gunpoint until assisting units arrived.

Deputy Boling was exiting the passenger side of the patrol car and kept his attention focused on Suspect Butler when he heard the sounds of four to five gunshots (see page 3 of Homicide's transcribed interview of Deputy Boling). He looked back toward Deputy Quintero and saw Suspect Atkins down on the north sidewalk of 144th Street and Deputy Quintero exiting the car. Deputy Boling immediately initiated an emergent broadcast via his handheld radio stating they were involved in a shooting and the last seen direction of Suspect Butler (refer to the radio traffic **[Exhibit B]**). Deputy Boling then assisted Deputy Quintero in detaining Suspect Atkins until assisting units arrived. Deputies Quintero and Boling were not injured during this incident.

Suspect Atkins' loaded "Llama", model Max-I .45 caliber semiautomatic pistol was recovered on the hood of Deputies Quintero and Boling's patrol car. When he was shot by Deputy Quintero, Suspect Atkins lost hold of his .45 caliber pistol as he turned to face the deputy and it hit the patrol car's windshield causing a "spider web" type crack (refer to the pictures of the patrol car's windshield **[Exhibit C]**). Suspect Atkins' pistol had a fired cartridge casing which failed to properly and fully eject from the chamber

(refer to the pictures of Suspect Atkins' weapon **[Exhibit D]**). Six live rounds were loaded in the magazine that was seated in the weapon (refer to page 55 of **[Exhibit A]**).

It was later determined the shooting that occurred at [redacted] South Keene Avenue was in retaliation for the murder of Suspects Atkins and Butlers' [redacted] at the hands of "Campanella Park Piru" gang members a year before and that both suspects were identified members of the "Swamp Crip" gang (see pages 42 – 45 of **[Exhibit A]**). The shooting on South Keene Avenue happened minutes before the deputy involved shooting and approximately two tenths of a mile from where Deputy Quintero ultimately encountered and shot Suspect Atkins. The physical location of the deputy involved shooting was at the south wall of "Ruby's Coin Laundry" on the northwest corner of Central Avenue and 144th Street (refer to the pictures depicting the scene of Suspect Atkins' shooting **[Exhibit E]**).

Suspect Atkins sustained a gunshot wound to the right forearm. He was transported to Saint Francis Medical Center where he was listed in stable condition. Homicide Investigators later learned that Suspect Atkins suffered a through and through gunshot wound to his right forearm. The bullet entered the inner forearm and exited the back side of his forearm (refer to page 48 of **[Exhibit A]**). Suspect Butler was arrested approximately four hour after the shooting.

District Attorney's Letter of Opinion

On July 20, 2012, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office issued a letter of opinion regarding the non-fatal shooting of Suspect Michael Atkins by Deputy Quintero. JSID concluded the evidence showed that the actions of Suspect Atkins placed Deputy Quintero in actual, imminent danger of death or great bodily injury. The response of Deputy Quintero with deadly force was both reasonable and necessary. JSID found that Deputy Quintero acted in lawful self-defense. The District Attorney's Office closed their review of the incident and recommended no further action in this matter. Refer to **[Exhibit F]**.

Involved Personnel

Deputy Christopher Quintero #[redacted]
FOR II / Century Station

Work History

Date of Employment:	**April 2001**
Date Assigned to Patrol:	**May 2011**
Date Completed Patrol Training:	[redacted]
Date Assigned to Century Station:	**May 2011**
Prior Shooting Incident(s):	[redacted]
Prior Founded Force:	[redacted]

IAB Interview

Deputy Christopher Quintero #[redacted]

On March 4, 2012, Homicide Detectives Quilmes Rodriguez #[redacted] and Sergeant Robert Martindale #[redacted] interviewed Deputy Quintero at Century Station. His Homicide interview is summarized on pages 61-65 of **[Exhibit A]**.

On Monday, April 8, 2013, IAB Investigators Sergeants Carlos Ybarra and Brenda Parker interviewed Deputy Quintero at Internal Affairs Bureau. The following is a summary of his interview.

> **IAB Note:** In the interview Deputy Quintero was shown an aerial picture of the neighborhood in which the shooting took place depicting the location of the 7-Eleven store he and his partner were at when they first heard the sounds of the gunshots and the neighborhood in which the deputy involved shooting took place. Refer to the aerial photograph under **[Exhibit G]**.

Deputy Quintero said he was working with Deputy Boling as 213H, a two man unit, out of Century Station. He was the driver and Deputy Boling was the bookman. They were dispatched to assist Compton Station in assault with deadly weapon containment (refer to Unit History Report page 314 of **[Exhibit A]**). They were exiting their patrol car in the parking lot of the 7-Eleven store located on Rosecrans Avenue and Central Avenue when they heard numerous gunshots coming from a block south of Rosecrans Avenue. Deputy Quintero recalled the sounds of the shots as being made by two different weapons since he heard some of the gunshots simultaneously. They got back into their patrol car and Deputy Quintero drove south across Rosecrans Avenue to southbound Keene Avenue. On the way to the source of the gunshots, Deputy Quintero said they had a quick discussion about Deputy Boling handling the radio communications since Quintero was driving. He could not recall if he or his partner put out any radio traffic regarding their response in search of the source of the gunshots.

Deputy Quintero made a left turn onto eastbound 144th Street and saw a vehicle making a right turn from northbound Bahama Avenue to eastbound 144th Street. The vehicle sped away. Since he could see no other activity in the immediate area, Deputy Quintero decided to go after the speeding vehicle to determine if it had been involved in the source of the gunshots. As their patrol car approached the intersection at Bahama Avenue, Deputy Quintero saw two male blacks (Suspects Atkins and Butler) running eastbound in a full sprint down the middle of 144th Street. Deputy Quintero drove toward the running males and saw them look back in his direction. The suspects continued to run eastbound in the middle of the street. Deputy Quintero maintained his focus on Suspect Atkins because he was on the driver's side of the patrol car. Both suspects looked back at the radio car as they ran. Deputy Quintero drove up to the suspects.

The suspects split up and Deputy Quintero could see that Suspect Atkins was holding a gun in his right hand at a ninety degree angle to his body as he turned left to run to the northern curb of 144th Street. Suspect Butler ran in a southerly direction toward Central Avenue but Deputy Quintero said his focus was primarily on Suspect Atkins. Once he saw Suspect Atkins was armed Deputy Quintero immediately applied his brakes as he neared the northern curb. The driver's side of the patrol car was almost parallel with Suspect Atkins. At this point, Suspect Atkins looked back at the radio car over his right shoulder then abruptly pivoted his body in a counterclockwise turn to face Deputy Quintero. Deputy Quintero saw the suspect bringing his gun around to bear on him. Deputy Quintero thought he was about to be shot by Suspect Atkins. He believed that since he was still sitting in his radio car with his movement limited he would be shot first and then the suspect would shoot his partner in the back as he tried to exit the patrol car. Deputy Quintero fired four rounds at Suspect Atkins through the open driver's door window. Suspect Atkins immediately went to the ground face down with his arms outstretched from his body. Deputy Quintero exited his patrol car and ordered Suspect Atkins not to move. He thought Deputy Boling was exiting the radio car when the shooting happened but he did not see him exit the car. He heard his partner broadcast on his radio that they had been in a shooting then Deputy Boling came over to his side of the patrol car to check on him. Deputy Quintero continued to cover Suspect Atkins at gunpoint until back up units arrived.

Deputy Quintero said he used his right hand to fire his Berretta at Suspect Atkins and recalled firing four successive times. He described aiming at the suspect as "point shoot" due to their close proximity and could clearly see Suspect Atkins due to nearby street lights and a light attached to the cinder block wall above the scene of the shooting Even though his Beretta was equipped with a tactical light he did not use it due to there being sufficient lighting in the area. Deputy Quintero said he knew his backdrop was a cinder block wall and that he did not see anybody else walking on the sidewalk or driving by at the time of the shooting.

> **IAB Note:** There was a light affixed to the southern cinder block wall of "Ruby's Coin Laundry" and it was on at the time when IAB Sergeant Parker arrived on scene.

When asked if he recognized the pistol that was recovered from the hood of his patrol car as the same one Suspect Atkins was holding at the time of the shooting, Deputy Quintero said it was the same gun and recalled hearing it hit his patrol car. He also believed the crack in his windshield, which he said was not there at the beginning of his shift that night was caused by Suspect Atkins' pistol.

> **IAB Note:** There was a surveillance video camera affixed to the southern wall of [redacted] S. Central Avenue. The video footage captured the deputy involved shooting **[Exhibit H]**. The black and white video depicted a westbound view of 144th Street from Central Avenue and showed Suspect Butler running eastbound 144th Street toward Central Avenue and out of view. Suspect Atkins

is seen running eastbound 144th Street to the northern sidewalk by "Ruby's Coin Laundry" followed immediately by Deputies Quintero and Boling's patrol car. Suspect Atkins was running and turning to look back at the approaching patrol car. He was shot and fell down on the northern sidewalk as the patrol car comes to a stop. Deputy Boling immediately exited the patrol car and started speaking on his handheld radio microphone. Deputy Quintero exited the patrol car seconds later. The events depicted in the video were summarized on page 69 of **[Exhibit A]**. This video was shown to Deputy Quintero in the presence of his Green and Shinee appointed Counsel Mitchell Kander.

Deputy Quintero was asked if he knew whether Deputy Boling exited their patrol car before or after Suspect Atkins was shot. Deputy Quintero said he was not aware of when his partner exited their patrol car because his attention was focused on Suspect Atkins.

<u>Witness</u>

Deputy Gregory Boling #[redacted]
FOR II / Century Station

<u>Work History</u>

Date of Employment:	**July 2003**
Date Assigned to Patrol:	**October 2007**
Date Completed Patrol Training:	[redacted]
Date Assigned to Century Station:	**October 2007**
Prior Shooting Incident(s):	**April 2009**
Prior Founded Force:	[redacted]

<u>IAB Interview</u>

Deputy Gregory Boling #[redacted]

On March 4, 2012, Homicide Detectives Quilmes Rodriguez #[redacted] and Sergeant Robert Martindale #[redacted] interviewed Deputy Boling at Century Station. His Homicide interview is summarized on pages 58-61 of **[Exhibit A]**.

On Monday, April 8, 2013, IAB Investigators, Sergeants Carlos Ybarra and Brenda Parker, interviewed Deputy Boling at Internal Affairs Bureau. The following is a summary of his interview.

Deputy Boling said he was working with Deputy Quintero in a two man unit out of Century Station. He was the bookman and Deputy Quintero was the driver.

IAB Note: In the interview Deputy Boling was shown an aerial picture of the neighborhood in which the shooting took place depicting the location of the 7-

Eleven store both deputies were at when they first heard the sounds of the gunshots and the neighborhood in which the deputy involved shooting took place. Refer to the aerial photograph under **[Exhibit G]**.

Deputy Boling said they had been dispatched to assist Compton Station in an assault with deadly weapon containment (refer to Unit History Report page 314 of **[Exhibit A]**). As they were exiting their patrol car at a 7-Eleven store located on Rosecrans Avenue they heard a volley of gunshots coming from the southeast. Deputy Boling said he heard two distinct types of gunshots as if they were produced by two different caliber handguns. They re-entered their patrol car and Deputy Quintero drove them toward the source of the gunshots. Deputy Boling was asked if he advised dispatch or any other unit about the gunshots they heard and were responding to investigate the source. Deputy Boling said he could not positively recall whether he did or did not, and thought that if he had he may have done so over Century Station's L-Tac frequency.

IAB Note: There were no recordings of any radio traffic put out by Deputy Boling prior to his "998" broadcast on the patch.

The deputies drove across Rosecrans Avenue and headed south on Keene Avenue then turned left onto eastbound 144th Street. On 144th Street Deputy Boling said he saw a dark colored Dodge Charger making a right turn from northbound Bahama Avenue onto eastbound 144th Street which then drove away toward Central Avenue at a high rate of speed. The Charger turned south onto Central Avenue and out of sight. As they accelerated toward the vehicle, they saw two male blacks running eastbound on 144th Street near Bahama Avenue. Deputy Boling said he wanted to contact the running males to determine if they were victims or suspect in the shooting.

One of the males (Suspect Atkins) was running along the north sidewalk of 144th Street and the other male (Suspect Butler) was running in the middle of the street. Deputy Boling communicated to his partner to watch Suspect Atkins' hands to make certain that Deputy Quintero was in the right frame of mind to contact a possibly armed suspect. Deputy Boling could not see if either suspect was holding a gun. Deputy Boling maintained his focus on Suspect Butler who continued running eastbound 144th Street to southbound Central Avenue and out of view. When their patrol car stopped, Deputy Boling exited from the front passenger door and ordered Suspect Butler to stop running. Deputy Boling said he had taken a few steps when he heard a rapid succession of four to five gunshots coming from his patrol car. Since Deputy Boling did not see his partner shoot at Suspect Atkins, he looked over at Deputy Quintero to make sure he was not shot. Once he was certain that Deputy Quintero was not injured Deputy Boling put out "10-33" traffic over Dispatch four advising that they were involved in a shooting and to ask for assistance. Deputy Boling came over to the driver's side of the patrol car to check on his partner and saw Deputy Quintero detaining Suspect Atkins at gunpoint. Suspect Atkins was on the ground.

IAB Note: There was a surveillance video camera affixed to the southern wall of [redacted]

[redacted] S. Central Avenue. The video footage captured the deputy involved shooting **[Exhibit H]**. The black and white video depicted a westbound view of 144th Street from Central Avenue and showed Suspect Butler running eastbound 144th Street toward Central Avenue and out of view. Suspect Atkins is seen running eastbound 144th Street to the northern sidewalk by "Ruby's Coin Laundry" followed immediately by Deputies Quintero and Boling's patrol car. Suspect Atkins was running and turning to look back at the approaching patrol car. He was shot and fell down on the northern sidewalk as the patrol car comes to a stop. Deputy Boling immediately exited the patrol car and started speaking on his handheld radio microphone. Deputy Quintero exited the patrol car seconds later. The events depicted in the video were summarized on page 69 of **[Exhibit A]**. This video was shown to Deputy Boling in the presence of his Green and Shinee appointed Counsel Mitchell Kander.

When asked about the video, Deputy Boling said that it looked like he was exiting the patrol car when the shooting occurred. Deputy Boling had his attention focused on Suspect Butler who was running eastbound in the middle of 144th Street in line with Deputy Boling's position in the passenger side of their radio car. Deputy Boling spared a quick glance at Suspect Atkins to determine his location relative to their radio car and saw that he was closer to Deputy Quintero. He continued to monitor Suspect Butler's actions till he heard Deputy Quintero firing his weapon.

Suspects

Michael Atkins MB/24 (Injured – In-Custody)
DOB: 09-10-1988
BKG #3074-034

On March 4, 2012, Homicide Detectives Quilmes Rodriguez #[redacted] and Sergeant Robert Martindale #[redacted] interviewed Suspect Michael Atkins at Kaiser Hospital in Harbor City. Refer to Homicide's transcribed interview of Suspect Atkins on pages 86 - 137 of **[Exhibit A]**.

In his interview with Homicide Detectives, Suspect Atkins initially told Investigators that he was by himself walking eastbound on 144th Street and was headed to the "Food 4 Less" on Central Avenue. When he heard several gunshots in the neighborhood he pulled out his black metal .45 caliber pistol and held it in his right hand. Suspect Atkins said he was carrying the pistol because it was late at night and knew he was in the wrong neighborhood. He said he was on the northern sidewalk of 144th Street by "Ruby's Coin Laundry" when he saw headlights coming eastbound in his direction. At this point Suspect Atkins said he had his gun "up" in his right hand. As the car got near him he looked at it over his right shoulder. Suspect Atkins then turned around in a counterclockwise move with his gun hand sweeping around to look at the car up behind him. He claimed he did not know the approaching car was a marked Sheriff's patrol car. He was shot in the right forearm and went to the ground bleeding and in pain. When the deputies ordered him not to move he stayed down. At the end of his interview with

Homicide Investigators, Suspect Atkins admitted to being with Suspect Butler just before he was shot by Deputy Quintero and asked if the people on South Keene Avenue were alright.

On March 5, 2012, Operation Safe Streets Detective [redacted] #[redacted] interviewed Suspect Michael Atkins at LCMC. Refer to the transcribed interview on pages 138-159 of **[Exhibit A]**.

In this interview, Suspect Atkins admitted to shooting at the males at [redacted] South Keene Avenue with Suspect Donta Butler in retribution for the killing of [redacted] who, along with both Suspects Atkins and Butler, were members of the "Swamp Crips". The neighborhood in which the shooting occurred is claimed by the criminal street gang "Campanella Park Piru". The shooting on Keene Avenue happened near the birthdate of Marcus Robinson.

Donta Butler MB/20 (Uninjured – In-Custody)
DOB: 10-16-1992
BKG #3073-775

On March 4, 2012, Homicide Detectives Quilmes Rodriguez #[redacted] and Sergeant Robert Martindale #[redacted] interviewed Suspect Donta Butler at Compton Sheriff's Station. Refer to Homicide's transcribed interview of Suspect Butler on pages 165-220 of **[Exhibit A]**.

In his interview with Homicide Detectives, Suspect Butler said he was with Suspect Atkins on 144th Street and Central Avenue when the shooting with the deputies happened. Both suspects were walking eastbound on 144th Street. When they saw headlights coming eastbound on 144th Street behind them, Suspect Atkins ran to the north sidewalk and Suspect Butler said he ran toward a daycare on the southwest corner of Central Avenue and 144th Street. As he ran by the daycare, Suspect Butler said he dropped his .38 caliber revolver on the ground. He said he did not see the shooting between Deputy Quintero and Suspect Atkins, but he heard four to five gunshots. He was not aware of who was doing the shooting. Suspect Butler did not know if Suspect Atkins had his gun in his hand but knew he was carrying a 9mm or a .45 caliber handgun. Suspect Butler said he was hiding on the daycare grounds until he was found by deputy personnel hours later.

Injuries

Suspect Atkins sustained one (1) through and through gunshot wound to his right forearm. The bullet shattered one or more bones in his forearm. Refer to page 56 of **[Exhibit A]**.

No deputies were injured in this incident.

Physical Evidence

All physical evidence was located and collected by Homicide Detectives Sergeants Helen Ewell #[redacted] and William Marsh #[redacted] They were assisted by Forensic Identification Specialists Dominique Enriquez #[redacted] David Alonso #[redacted] Daniel Rosell #[redacted] S. Tillman #[redacted] Ronald Ducat #[redacted] Robert Lio #[redacted] and Firearms Examiner Anny Wu #[redacted] of the Los Angeles County Sheriff's Department Scientific Services Bureau. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **[Exhibit A]** pages 71-83.

Investigators Observations

The scene is described in detail by Homicide Detectives Sergeants Helen Ewell #[redacted] and William Marsh #[redacted] Their description of the scene is consistent with IAB Investigators' observations. Refer to pages 78-83 of **[Exhibit A]**. The scene was also photographed by Scientific Services. Refer to Scientific Services' scene photographs under **[Exhibit I]**.

Weapons used by Deputy

Deputy Quintero fired five (5) rounds of Department issued 9mm ammunition from his Department issued Beretta 92F, semiautomatic pistol. The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional (page 303 **[Exhibit A]**).

Two (2) copper jacket fragments, one (1) fired copper jacket, and five (5) expended 9mm casings were recovered at the scene (pages 72-73 **[Exhibit A]**).

Date last qualified: [redacted]
Date last trained with weapon:

Weapon used by Suspect

Suspect Atkins produced a black metal "Llama" .45 caliber semi-automatic pistol with black plastic grips, model "Max-I", serial number [redacted] It was recovered from the hood of Deputies Quintero and Bolings' patrol car. Suspect Atkins' pistol had a fired cartridge casing (stove pipe jam) which failed to properly and fully eject from the chamber (see pictures under **[Exhibit D]**). Six live rounds were loaded in the magazine that was seated in the weapon. See page 55 of **[Exhibit A]**.

Property Damage

An impact mark on the metal frame of the driver's side windshield, approximately six inches from the vehicle roof top. A "spider web" type crack in the windshield glass emanated from the impact site on the metal frame (refer to the pictures in **[Exhibit C]**. There were five (5) bullet strikes on the south facing exterior block wall of "Ruby's Coin

Laundry" at 14331 S. Central Avenue. Refer to pages 74-80 of **[Exhibit A]** and a picture depicting the damage to the exterior block wall under **[Exhibit J]** for further.

Criminal Investigator

The criminal investigation was handled by Sergeant Robert Martindale #[redacted] and Detective Quilmes Rodriquez #[redacted] of the Los Angeles County Sheriff's Department Homicide Bureau.

Lighting and Weather Conditions

The shooting occurred during night time hours. The scene was dark, but illuminated by a number of street lamps. There was also a single overhead exterior lighting fixture just below the roof edge of the south facing block wall of "Ruby's Coin Laundry". This exterior light was positioned directly above the site of the shooting (refer to the pictures of the shooting scene under **[Exhibit E]**).

Miscellaneous

IAB Lieutenant Ault checked to see that the Watch Commander, Lieutenant Terry Burgin, took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Ault checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.